

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term “member” means—

- (1) a member of the uniformed services serving on active duty; and
- (2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

- (1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

- (A) a resumption of active duty; or
- (B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

- (2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

- (A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

- (B) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years.

(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.

(Added and amended Pub. L. 106-65, div. A, title VI, §§ 661(a)(1)(A), 662, Oct. 5, 1999, 113 Stat. 670, 672.)

### AMENDMENTS

1999—Subsec. (d). Pub. L. 106-65, § 662, added subsec. (d).

### EFFECTIVE DATE

Section and amendment by Pub. L. 106-65 effective 180 days after Oct. 30, 2000, unless postponed, see section 663 of Pub. L. 106-65, as amended, set out as a note under section 8440e of Title 5, Government Organization and Employees.

### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 8432b, 8440e.

## CHAPTER 5—SPECIAL AND INCENTIVE PAYS

Sec.	Incentive pay: hazardous duty.
301.	Incentive pay: aviation career.
301a.	Special pay: aviation career officers extending period of active duty.
301b.	Incentive pay: submarine duty.
301c.	Multiyear retention bonus: medical officers of the armed forces.
301d.	Multiyear retention bonus: dental officers of the armed forces.
301e.	Special pay: medical officers of the armed forces.
302.	Special pay: optometrists.
302a.	Special pay: dental officers of the armed forces.
302b.	Special pay: psychologists and nonphysician health care providers.
302c.	Special pay: accession bonus for registered nurses.
302d.	Special pay: nurse anesthetists.
302e.	Special pay: reserve, recalled, or retained health care officers.
302f.	Special pay: Selected Reserve health care professionals in critically short wartime specialties.
302g.	Special pay: accession bonus for dental officers.
302h.	Special pay: pharmacy officers.
302i.	Special pay: accession bonus for pharmacy officers.
302j.	Special pay: veterinarians.
303.	Special pay: health professionals; general provisions.
303a.	Waiver of board certification requirements.
303b.	Special pay: diving duty.
304.	Special pay: hardship duty pay.
305.	Special pay: career sea pay.
305a.	Special pay: officers holding positions of unusual responsibility and of critical nature.
306.	Special pay: members assigned to international military headquarters.
306a.	Special pay: special duty assignment pay for enlisted members.
307.	Special pay: assignment incentive pay.
307a.	Special pay: reenlistment bonus.
308.	Repealed.]
[308a.	Special pay: reenlistment bonus for members of the Selected Reserve.
308b.	Special pay: bonus for enlistment in the Selected Reserve.
308c.	Special pay: enlisted members of the Selected Reserve assigned to certain high priority units.
308d.	Special pay: bonus for reserve affiliation agreement.
308e.	Repealed.]
[308f.	Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.
308g.	Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.
308h.	